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REMARKS

Reconsideration of the present application and entry of this amendment are respectfully requested. Claims 28 to 123 are currently pending, claim 46 has been canceled, claims 44, 54 to 61, 81 to 89, 112 and 116 to 123 have been withdrawn from consideration, and claims 28 and 47 have been amended.

The Office Action mailed February 28, 2003 addressed claims 28 to 123. Claims 28, 29, 33, 34, 36, 39, 40, 42, 43, 48 and 53 were rejected, claims 30 to 32, 35, 37, 38, 41, 45 to 47 and 49 to 52 were objected to, claims 62 to 80, 90 to 111 and 113 to 115 were allowed, and claims 44, 54 to 61, 81 to 89, 112 and 116 to 123 were withdrawn from consideration.

Claim 48 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that claim 48 is broader than claim 47.

Applicants respectfully disagree and submit that claim 48 is not broader than claim 47. Claim 48 claims a filler having a mesh size of less than about 100 U.S. standard size, while claim 47 claims a filler having a mesh size of less than about 30 U.S. standard size. The size of the filler material in claim 48 is smaller, not larger, than the size of the filler of claim 47. Therefore, claim 48 is not broader than claim 47. Applicants respectfully submit that this overcomes the rejection of claim 48 under 35 U.S.C. § 112, second paragraph, and request that the rejection of claim 48 be reconsidered and withdrawn.

Claims 28, 29, 33, 34, 36, 39, 40, 42, 43, 48 and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nesbitt (4,431,193) in view of Saito (4,919,434). The Examiner stated that regarding claim 28, Nesbitt discloses a golf ball comprising a core, an inner cover layer, and an outer cover layer, the total thickness of the cover layer is from 0.04 to 0.170, and the inner cover layer is made from Surlyn 1605, which has a Shore D of 62. The Examiner further stated that Nesbitt does not disclose a two-layer core, but Saito teaches a two-layer core. The Examiner further stated that regarding claim 29, Saito discloses the core layers are made from

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polybutadiene; regarding claim 33, the core comprises 0.1 to 6 parts organic peroxide; regarding claim 34, the core has a diameter from 1.44 to 1.61 inches; regarding claim 36, the core has a weight from 34.5 to 43.5 grams; regarding claim 39, the core layers comprise polybutadiene crosslinked with an unsaturated carboxylic acid; regarding claim 40, Nesbitt discloses the inner and outer cover layers made from ionomers; regarding claim 42, Saito teaches the core made from peroxide; and regarding claim 53, Nesbitt discloses the total thickness of the cover layer from 0.04 to 0.170 inch. The Examiner concluded that one of ordinary skill in the art would have modified the golf ball of Nesbitt with the two-layer core of Saito for increased durability of the golf ball.

Although Applicants respectfully disagree with the Examiner, in an effort to hasten prosecution, claim 28 has been amended to incorporate the limitation of claim 46, which was objected to as being dependent upon a rejected base claim but was indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 46 has been canceled. Claim 47 has been amended to depend from claim 28 instead of canceled claim 46. Claims 29, 33, 34, 36, 39, 40, 42, 43, 48 and 53 depend, or ultimately depend, from amended claim 28, therefore Applicants respectfully submit that claims 29, 33, 34, 36, 39, 40, 42, 43, 48 and 53 are also allowable. Claims 30 to 32, 35, 37, 38, 41, 45 to 47 and 49 to 52, which were objected to, also depend or ultimately depend from amended claim 28, therefore Applicants respectfully submit that claims 30 to 32, 35, 37, 38, 41, 45 to 47 and 49 to 52 are also allowable.

For at least these reasons, Applicants respectfully submit that claims 28, 29, 33, 34, 36, 39, 40, 42, 43, 48 and 53 are not obvious under 35 U.S.C. § 103(a) over Nesbitt (4,431,193) in view of Saito (4,919,434). Applicants therefore respectfully request that the rejection of claims 28, 29, 33, 34, 36, 39, 40, 42, 43, 48 and 53 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

The Examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

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CONCLUSION

Applicants respectfully request reconsideration and allowance of each of the presently rejected claims, claims 28, 29, 33, 34, 36, 39, 40, 42, 43, 48 and 53. Applicants respectfully request allowance of claims 28 to 43, 45, 47 to 53, 62 to 80, 90 to 111 and 113 to 115, the claims currently pending in the present application.

Respectfully submitted,

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